

CIRCUIT COURT CLERKS' MANUAL

RELEASE NOTES

TO: Circuit Court Clerks

FROM: Marc Theriault, AOC General Counsel

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IMPORTANT INFORMATION!

Please distribute this memo to each deputy in your office.

Release Notes serve as an “index” to the updated sections of the manual. It does not include the update in its entirety; therefore, it is very important and necessary that you and your employees go to each section of the manual set out in this memo and review the modifications. Please direct any questions regarding these updates to the Office of Legal Services at AOC.

Formatting Modifications

The Circuit Court Clerks' Manual has been modified to reflect a number of formatting changes as a result of a multi-year manual revision project. Updates include:

- Reformatting to feature full-length instructions as well as quick reference instructions on the right-hand side for all chapters. All quick reference instructions align with corresponding instructions on the left, so if something is not clear, you can quickly reference the appropriate full length instruction for further information.
- Hyperlinks can be found throughout the manual to connect the clerk to specific references in the Accounting Manual, KyCourts User Manual, KCOJ Forms, and Workflow Process Maps.
- Hyperlinks can be found throughout the manual to connect the user to other chapters within the Clerks' Manual to minimize redundancies i.e., service of process, notice of entry.
- All UOR tables/charts are now available via hyperlinks.
- Chapters with similar content have been consolidated and have section headings (including hyperlinks) to help the user quickly assess information within the chapter. (Example: Appeals is now one chapter with multiple section headers rather than three separate chapters.)
- A glossary has been added to the manual.
- An index has been added to the manual.

- Release notes will be available in the manual via hyperlinks per date of release (including archived release notes.)

The KyCourts II Manual has been updated simultaneously with the Clerks' Manual to allow the two manuals to be interconnected and reduce the amount of time it requires for the clerk to search and locate needed information. It is important to note that the revision project does not include updates relating to the AR (Accounts Receivable Program) or the eFiling (electronic filing project.) Training and user materials relating to those projects will be presented to clerks at your county go live date. The Clerks' and KyCourts Manuals will be updated at a later date to include user instructions relating to these projects.

Circuit Court Clerk Manual Modifications

Every chapter in the manual has been reviewed and edited as a part of the manual revision project. Although most changes in the manual are primarily formatting modifications updates have been made as appropriate to ensure the manual accurately reflects all legal authorities. It is highly recommended that each clerk/deputy **review the manual in full** to ensure awareness of all updates made throughout the manual. Highlights of substantive changes are included below.

Adoptions

The adoptions chapter now includes a section on inspection of adoption records and foreign adoptions. In addition, a new section regarding temporary custody has been added and the manual has been updated to reflect that the CHFS may inspect a sealed adoption file without a court order per KRS 625.015.

Appeals

All previous appeals chapters have been consolidated into one chapter with section headings including: Appeals from Administrative Agencies, District to Circuit Court Appeals, Appeals to Court of Appeals/Supreme Court, and Appeal Bonds.

Application For Transfer of Structured Settlement

Additional information has been added regarding the payee or transferee's obligation to file and serve notice of the proposed transfer and the application for approval. The chapter now sets forth what the notice shall include and that if a hearing is set, the hearing is to be scheduled no less than twenty (20) days from the date of the notice.

Audio Recordings

This chapter has been renamed Recordings: Audio/Video and is consolidated with the previous chapter Video Recordings.

Bail Jumping Warrant

The chapter has been revised to indicate that upon receipt of a warrant for bail jumping a new case is created UNLESS the judge directs the charges to be placed in the existing case.

Bankruptcy Notice

Chapter has been renamed Notice of Bankruptcy.

Bonds and Sureties

Bail Bonds has been renamed to Bonds and Sureties and includes: Bonds and Sureties in Criminal Cases, Bonds and Sureties in Civil Cases, Replevin Bond, and Bonds in Appeals Cases.

Cases Referred to the Grand Jury

This chapter has been renamed to Grand Jury and also includes the previous chapter Grand Jury Dispositions.

Cases Under Submission

Has been renamed to Notice of Submission of Case for Final Adjudication.

Challenge to Election Candidacy

Updated to include Election Contests.

Change of Venue

This chapter has been renamed to: Transfer of Case/Change of Venue.

Citations

Updated to include a section on eCitation and Motor Carrier Citations.

Civil Actions

The Civil Actions chapter now includes the following sections: Amended Complaints, Counterclaims and Cross Claims, and Third Party Complaints. Previously, these were all separate chapters in the manual. The chapter also includes information regarding additional costs for extraordinary services.

Civil Actions Filed by Inmates

Revised per KRS 454.410 to reflect that when a motion for In Forma Pauperis is denied the summons is not processed concerning the inmate's case and is not served until the filing fee and fee relating to service of process is paid.

Civil Summons

This chapter has been updated to reflect KRS 454.125 which indicates that a civil summons may be issued on holidays and served on Sundays and holidays upon an affidavit that the process cannot be executed after that day. In addition, references relating to service of a civil summons per KRS 454.125 have been updated throughout the manual.

Compel a Witness

New chapter has been created to address procedures to compel a witness of this state per KRS 421.240.

Cremation Resolution

A section on authorizing a cremation has been added.

Criminal Summons and Arrest Warrants

Has been renamed “Warrants and Criminal Summons” and has been updated to include sections: eWarrants and Search Warrants.

Dissolution of Marriage/Legal Separation/Annulment

This chapter was previously titled only Dissolution of Marriage.

Drug Court

The drug court chapter has been edited to more clearly direct the handling of transfer cases. A section regarding expungement of drug court cases has been added noting that when receiving an Order to expunge a drug court case or charge(s) and the case was transferred to your court from another jurisdiction forward a copy of the expungement order to the originating county along with a copy of the original order transferring the case.

Expungement

All previous expungement chapters have been combined into one chapter and include the following sections: Expungement Certification, Expungement of Dismissed or Acquittal Cases, Expungement of Misdemeanor and Violation Convictions, Expungement of Juvenile Record, Expungement of Purged or Destroyed Cases, Expungement of Non-Criminal Cases, and Expunging a Charge.

Fees and Costs

This chapter has been deleted. References to fees and costs provide a link to the Accounting Manual.

Grand Jury

The chapters Cases Referred to Grand Jury and Grand Jury Dispositions have been combined into one chapter called Grand Jury.

Juvenile Cases

The chapter now reflects updates made to the FCRPP indicating that specific forms are no longer mandatory but are available for use, including the following forms: AOC-DNA-1, AOC-DNA-2, AOC-DNA-2.1, AOC-DNA-2.2, AOC-DNA-3, AOC-DNA-4, AOC-DNA-5, AOC-DNA-6, AOC-DNA-9, and AOC-JW-40.

Jury Information

This chapter has been updated to include more information regarding the jury management program.

Mental Health

Mental Health chapters have been combined into one primary chapter with subheadings including: Involuntary Admission, Involuntary Hospitalization, 72-Hour Emergency, Involuntary Treatment of Drug/Alcohol Abuse, Juvenile Mental Health, and Expungement.

Military Arrests

This chapter has been deemed obsolete and deleted in its entirety.

No Pass/No Drive Law

New chapter (previously a section in citations.)

Notice of Entry

New chapter.

Nunc Pro Tunc

New chapter.

Organization of Case Records

Now includes Case Management Standards, Case Numbering and Color Coding, and Docket Entries.

Redemption of Land

This chapter has been divided into two sections: Execution of Land Sold under Execution and Redemption of Land Sold by Judicial Sale.

Settlement for Minor or Person under Disability

This chapter has been consolidated with Disability Proceedings.

Statistical Information

An update has been made to the statistical reopening/reclosing process. When a motion or other document is received that reopens a case the case will need a special status screen will be completed at that time to indicate it has been reopened. The case will be closed by completing a special status screen upon receipt of an order or a judgment ruling on the motion/document that reopened the case. The quarterly pending case list should be reviewed quarterly to ensure that all eligible cases have been reclosed as appropriate.

Statistical codes and definitions have been updated, including the addition of case disposition types.

Subpoenas

Revised to include sections: Enforce, Quash, or Modify a Subpoena and Foreign Subpoenas (including Depositions to be used in Other States.)

Tendered Documents

This chapter has been consolidated with the Filing Papers and Other Pleadings chapter.

Violation of Domestic Violence Order

This chapter has been consolidated with the Domestic Violence chapter.

FORMS

- **AOC Form 216** (Forcible Detainer Complaint) has been updated to include the total amount of back rent and late fee(s) owed to the plaintiff from the defendant.
- **AOC Form 446** (Restraining Order Following Stalking Conviction) document codes have been updated to include both ORSC (granted) and ODRSC (denied). Prior, the form only had one code ORSC.
- **AOC Form 859** (Petition to Prevent Cremation of Decedent) has been updated to include an Order section for the judge to grant or deny the petition.